

Doc Code: PET.PTA.RCAL

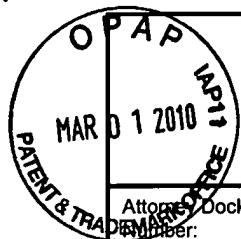
Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

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**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT  
IN VIEW OF WYETH\***Attorney Docket  
Number: 70036Application  
Number: 10/530,737 ✓Filing Date  
(or 371(b) or (f) Date): April 8, 2005

Patent Number: 7598395

Issue Date: October 6, 2009

First Named  
Inventor: Josef Ehrenfreund

Title: HETEROCYCLOCARBOXYMIDE DERIVATIVES

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

\*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /THOMAS HAMILTON/  Date February 22, 2010Name  
(Print/Typed) Thomas Hamilton

Registration Number 40,464

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Pamela Shirling  
Type or print name

*Pamela Shirling*  
Signature

February 24, 2010  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re: Syngenta Crop Protection, Inc.  
410 Swing Road  
Greensboro, NC 27409**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT**

Sir:

Based on the USPTO's pre-*Wyeth* interpretation, Patentee hereby requests recalculation of the patent term adjustment of certain patents issuing before March 2, 2010.

Accordingly, Patentee is respectfully submitting nine (9) original forms entitled "Request for Recalculation of Patent Term Adjustment in View of Wyeth" (PTO/SB/131), before the March 2, 2010 deadline.

Respectfully submitted,

Thomas Hamilton  
Managing Patent Attorney  
Registration No. 40,464

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Date: February 24, 2010